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RECENT IMPORTANT DECISIONS

CONSTITUTIONAL LAW—TAXATION—PUBLIC PURPOSE.—Rev. St. Me. 1903, c. 4, sec. 87, authorized any municipality to establish a permanent wood, coal, and fuel yard for the purpose of selling wood, coal, and fuel to its inhabitants at cost. *Held*, not to violate the Fourteenth Amendment. *Jones v. City of Portland* (U. S., 1917), 38 Sup. Ct. Rep. 112.

When the act was attacked as a violation of the state constitution, the Maine court declared such an establishment to be a public purpose. *Laughlin v. City of Portland*, 111 Me. 486, 51 L. R. A. (N. S.) 1143, Ann. Cas. 1916 C, 734. Yet in regard to eminent domain, generating and transmitting electricity had been held not a public use. *Brown v. Gerald*, 100 Me. 351. *Contra, Jones v. N. Ga. Electric Co.*, 125 Ga. 618. The reasoning used in the *Laughlin Case*, *supra*, is followed now both in considering heat to be "as indispensable to the health and comfort of the people as light or water" and in seeing no ground for objection in the means used to distribute heat. The contrary view would seem to assert that the means used is of vital importance. *Opinion of the Justices*, 155 Mass. 598; *Opinion of the Justices*, 182 Mass. 605; *Opinion of the Justices*, 211 Mass. 624; *Maker v. Grand Rapids*, 142 Mich. 687. Decisions as to what is a public use in questions about eminent domain are involved in the same conflict. *Minn. Canal & Power Co. v. Koochiching Co.*, 97 Minn. 429; *Rockingham Co. Light & Power Co. v. Hobbs*, 72 N. H. 531. It also occurs in regard to occupations affected with a public interest, a matter which has been in dispute since *Munn v. Illinois*, 94 U. S. 113. Each bears witness to the influence of developing public needs and a developing public opinion. 17 YALE L. J. 162. The line of development is perhaps indicated by recent decisions allowing a municipality to furnish ice and to supply natural gas for heating. *Holton v. Camilla*, 134 Ga. 560; *State v. Toledo*, 48 Ohio St. 112. Municipal theaters and moving picture theaters have not yet been allowed. *State v. Lynch*, 88 Ohio St. 71; 12 MICH. L. R. 132; *Egan v. San Francisco*, 165 Cal. 576.

CONSTITUTIONAL LAW—TRADING STAMP STATUTES.—Defendant objected to the constitutionality of a statute under which he was indicted for issuing, without license, trading stamps to merchants, to use with the sale of goods, entitling the purchaser receiving the same with such sale to procure, free of charge, premiums from a special stock selected by the defendant's company. The license fee was assumed prohibitive by the court. *Held*, constitutional both as to Federal and State Constitutions. *State v. Wilson* (Kan., 1917), 168 Pac. 679.

Some form of repressive legislation against trading stamps has been undertaken in a majority of the states, and the Parliament of Canada has prohibited their use. *State v. Wilson, supra*. In a majority of jurisdictions these statutes have been held unconstitutional. *Ex parte Drexel*, 147 Cal. 763; 2 L. R. A. (N. S.) 588; *State v. Sperry and H. Co.*, 94 Nebr. 785;